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MITIGATED NEGATIVE DECLARATION

April 9, 2009

Project Name: Beers Minor Subdivision

Project Number(s): TPM 21106, ER 07-09-010

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for Biological and Cultural Resources.
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION / TRAFFIC

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. BIOLOGICAL RESOURCES

1. Prior to issuance of any permit and prior to recordation of the parcel map, the applicant shall provide for the approval of the Director of Planning and Land Use evidence that 0.41 acre of chaparral habitat credit has been secured in a mitigation bank approved by the California Department of Fish & Game, located in the Northern Foothills Eco-region. Evidence of purchase shall include the following information to be provided by the mitigation bank:
 - a. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 - b. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 - c. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 - d. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 0.41 acre of chaparral habitat located in the Northern Foothills Eco-region. A Resource Management Plan (RMP) for the chaparral habitat must be

submitted and approved by the Director of the Department of Planning and Land Use. The plan shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Requirement Guidelines. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the RMP. Alternatively, proof that a federal, state or local government agency with the primary mission of resource management has taken fee title to the land will be accepted in lieu of an easement.

2. Prior to the approval of any grading, improvement, or building plans and issuance of any permit, provide evidence to the satisfaction of the Director of Planning and Land Use or Public Works, that the following "Specific Environmental Notes" have been placed on any of the grading, and or improvement plans and are made conditions of their issuance:

"Restrict all brushing, clearing and/or grading such that none will be allowed within 300 feet of chaparral habitat during the breeding season of the migratory birds. This is defined as occurring between February 15th and August 31st. The Director of Planning and Land Use may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, that no active nests are present in the vicinity of the brushing, clearing or grading."

C. CULTURAL RESOURCES

1. Prior to approval of any Grading and or Improvement Plans or any other permit, the applicant shall provide evidence to the satisfaction of the Director of Public Works (DPW) and or Planning and Land Use (DPLU) that the following notes have been placed on the Grading and or Improvement Plans:

"This project site is has marginal to low levels of sensitive Paleontological resources. All grading activities are subject to the *County of San Diego Grading Ordinance Section 87.430*, if any significant resources (Fossils) are encountered during grading activities. The grading contractor is responsible to monitor for paleontological resources during all grading activities. If any fossils are found greater than 12 inches in any dimension, stop all grading activities and contact the County Permit Compliance Coordinator with the Department of Planning and Land Use before continuing grading operations."

"If **any** paleontological resources are discovered and salvaged, the monitoring, recovery, and subsequent work determined necessary shall be completed by or under the supervision of a Qualified Paleontologist pursuant to the San Diego Guidelines for Determining Significance for Paleontological Resources."

"Prior to Rough Grading Inspection (SEC. 87.421) do the following: If **no** paleontological resources were discovered, submit a "No Fossils Found" letter from the grading contractor to the director of Planning and Land Use stating that the monitoring has been completed and that no fossils were discovered, and including the names and signatures from the fossil monitors. The letter shall be in the format of Attachment E of the County of San Diego Guidelines for Determining Significance for Paleontological Resources."

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

B. THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCEL MAP IS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AND FILED WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY:

1. THE PARCEL MAP SHALL SHOW AN ACCURATE AND DETAILED VICINITY MAP.
2. ACCESS
 - a. The subdivider shall furnish to the County of San Diego, Department of Public Works, recorded documentation showing that the land division is connected to a publicly maintained road by an easement for road purposes. This easement shall be forty feet (40') wide as specified in Section 81.703(a) and/or (b), unless proof is furnished that a lesser width is applicable under Section 81.703(l) and/or (m) of the County Code, and shall be for the benefit and use of the property being divided. Recordation data for said easement shall be shown on the Parcel Map. This requirement applies to offsite access to all proposed parcels.
3. SIGHT DISTANCE
 - a. Prior to recordation, a registered civil engineer, a registered traffic engineer, or a licensed land surveyor shall provide a signed statement that physically, there is a minimum unobstructed sight distance in both directions along Fruitvale Road from Fox Run Lane, for the prevailing operating speed of traffic on Fruitvale

Road. Any vegetation currently obstructing sight distance shall be removed or cut back. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that said lines of sight fall within the existing right-of-way and a clear space easement is not required.

4. SPECIAL DISTRICTS/ROAD MAINTENANCE/COVENANTS/
DEVELOPMENT IMPACT FEES

- a. The subdivider shall authorize Special Districts to process the project into the San Diego County Street Lighting District. After recordation of the Parcel Map, the land division shall be transferred, without notice or hearing, to Zone "A" of the San Diego County Street Lighting District. The subdivider shall cover the processing costs by paying a minimum deposit at the Land Development Counter Services.
- b. The subdivider shall provide for maintenance of the onsite and offsite private road that serves the project through a private road maintenance agreement.

5. FACILITY/UTILITY ARRANGEMENTS [DPW] [DPLU]

- a. Where private easement roads are not being dedicated, or where each of the proposed parcels is not on a public street, the subdivider shall provide the County of San Diego, Director of Public Works, with letters from serving utility companies stating that arrangements satisfactory to the utility have been made to serve all parcels being created. No letter will be required from AT&T/SBC.
- b. The subdivider shall comply with Section 66436 of the Government Code by furnishing to the County of San Diego, Department of Public Works, a certification from each public utility and each public entity owning easements within the proposed land division stating that: (a) they have received from the subdivider a copy of the proposed Parcel Map; (b) they object or do not object to the filing of the Map without their signature.
- c. Prior to Parcel Map recordation provide evidence of annexation into the Valley Center Fire Protection District Community Facilities District No. 2008-01.

- d. Certification by the Department of Environmental Health with respect to sewage disposal shall be shown on the Parcel Map. [DPLU]

- C THE FOLLOWING IMPROVEMENTS MAY BE COMPLETED PRIOR TO RECORDING OF A PARCEL MAP OR THEY MUST BE LISTED ON THE PARCEL MAP AND THE SUBDIVIDER SHALL EXECUTE A "COVENANT OF IMPROVEMENT REQUIREMENTS" WHICH SHALL LIST THE CONDITIONS THAT REMAIN TO BE COMPLETED. THE COVENANT SHALL BE RECORDED BY THE DEPARTMENT OF PUBLIC WORKS PRIOR TO RECORDING THE PARCEL MAP. THE COVENANT SHALL BE NOTED ON THE PARCEL MAP.

(IMPROVEMENT PLANS AND COST ESTIMATES ARE NOT DEFERRABLE)
THE COVENANT OF IMPROVEMENT REQUIREMENTS SHALL NOTE THE ESTIMATE OF COST TO INSTALL AND/OR CONSTRUCT ANY DEFERRED IMPROVEMENTS. THE ESTIMATE OF COST SHALL BE BASED UPON IMPROVEMENT PLANS. THE PLANS SHALL INCLUDE A SIGNED STATEMENT BY THE PRIVATE ENGINEER-OF-WORK STATING THAT THE PLANS ARE SUFFICIENT FOR THE PURPOSE OF PROVIDING THE REQUIRED ESTIMATE OF THE COST FOR THE PRIVATE EASEMENT ROADS AND PRIVATE FACILITIES. THE ESTIMATE SHALL HAVE THE ENGINEER'S SIGNATURE AND STAMP ON THE FRONT PAGE ALONG WITH A STATEMENT THAT IT IS THE ENGINEER'S ESTIMATE OF THE APPROXIMATE COST AS OF THE DATE THE ESTIMATE WAS PREPARED FOR THE PRIVATE ROAD AND FACILITIES REQUIRED BY THE FINAL NOTICE OF APPROVAL AND THE SAN DIEGO COUNTY STANDARDS FOR PRIVATE STREETS. SAID COVENANT SHALL BE TITLED "COVENANT OF IMPROVEMENT REQUIREMENT, A BUILDING PERMIT PROHIBITION".
IF THE COVENANT HAS BEEN RECORDED, NO BUILDING PERMIT, AND NO FURTHER GRANT OF APPROVAL FOR DEVELOPMENT MAY BE ISSUED UNTIL THE SUBDIVIDER PRESENTS A COPY OF THE RELEASE OF IMPROVEMENT REQUIREMENTS RECORDED BY THE DEPARTMENT OF PUBLIC WORKS, STATING THAT ALL OF THE REQUIRED IMPROVEMENTS LISTED IN THE COVENANT OF IMPROVEMENT REQUIREMENTS AND NOTED ON THE PARCEL MAP HAVE BEEN COMPLIED WITH, EXCEPT A GRADING OR CONSTRUCTION PERMIT AND/OR A PERMIT TO INSTALL UTILITIES WITHIN THE PRIVATE EASEMENT, MAY BE ISSUED. (NOTE: FOR WATER STORAGE FACILITIES AND/OR FUELBREAKS, A RELEASE OF IMPROVEMENT REQUIREMENTS IS ONLY REQUIRED TO STATE THAT THE IMPROVEMENTS HAVE BEEN COMPLIED WITH FOR THE PARTICULAR PARCEL FOR WHICH A BUILDING PERMIT IS BEING REQUESTED.) [DPW] [DPLU]

1. PRIVATE ROAD IMPROVEMENTS

- a. In the event these improvements are deferred, the subdivider shall execute such documents as deemed necessary by the County of San Diego, Director of Public Works, indemnifying the County from liability arising from the improvement of any off-site easement. This indemnification shall also be noted on the Parcel Map.
- b. The private easement road (Fox Run Lane), from the northeasterly corner of Parcel 1 southerly to Fruitvale Road, shall be graded twenty-eight feet (28') wide and improved twenty-four feet (24') wide with asphalt concrete. Existing pavement may remain and shall be widened with asphalt concrete to provide a constant width of twenty-four feet (24'). All distressed sections shall be replaced. The Improvement and Design Standards of Section 3.1(C) of the County Standards for Private Roads for one hundred one (101) to seven hundred fifty (750) trips shall apply.
- c. Plans and a processing deposit for the private road improvements, as determined by the County of San Diego, Department of Public Works, shall be submitted to the Improvements and Grading Group of the County of San Diego, Department of Public Works. All improvement plans shall be designed in accordance with County Standards for Private Roads.
- d. Prior to construction of private road improvements, the subdivider shall notify the County of San Diego, Department of Public Works, submit copies of the blueline plans, and post an inspection deposit.
- e. A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The private easement road (Fox Run Lane), including all slopes, from the northeasterly corner of Parcel 1 southerly to Fruitvale Road is constructed entirely within the easement, including drainage structures, for the benefit of the land division." NOTE: If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or slope rights/a letter of permission shall be obtained/granted and the engineer or surveyor shall further certify that: "Slope rights/a letter of permission has been obtained/granted for work outside of the easement limits."
- f. The structural section for the private road shall be approved by the County of San Diego, Department of Public Works Materials

Laboratory, prior to construction per Section 3.11 of the San Diego County Standards for Private Roads.

- g. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing. The above shall be done to the satisfaction of the Director of Public Works.
- h. A permit shall be obtained from the County of San Diego, Department of Public Works for the improvements to be made within the public right-of-way. The connection of the private easement road to the County road will have to match the construction of the public road. A copy of the permit, proof of payment, and evidence that all the requirements of the permit have been met shall be submitted to the Land Development Counter Services of the County of San Diego, Department of Public Works.

2. FACILITY/UTILITY IMPROVEMENTS [DPLU]

- a. The subdivider shall install a minimum water supply pipe to serve this minor subdivision in accordance with the standards of the Valley Center Municipal Water District.

3. OTHER REQUIREMENTS [DPW] [DPLU]

- a. The following note shall appear on the Parcel Map:

All parcels within this subdivision have a minimum of 100 square feet of solar access for each future dwelling unit allowed by this subdivision as required by Section 81.401(m) of the Subdivision Ordinance.

- b. At the time of recordation of the Parcel Map, the name of the person authorizing the map and whose name appears on the SURVEYOR'S CERTIFICATE as the person who requested the map, shall be the name of the owner of the subject property.
- c. Prior to the approval of the Parcel Map by the Department of Public Works, the subdivider shall provide the Department of Public Works with a copy of the deed by which the subject property was

acquired and a Parcel Map report from a qualified title insurance company.

- d. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (**Ordinance No. 9589**) and all other applicable ordinances and standards. This includes requirements for Low Impact Development (LID), materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.
- e. Zoning regulations require that each parcel shall contain a minimum net area of 2.0 acres (A70). If, as a result of survey calculations, required easements, or for any other reason, the area of any parcel shown on this Tentative Parcel Map is determined by the Department of Public Works to be below the zoning minimum, it becomes the responsibility of the subdivider to meet zoning requirements by lot redesign, or other applicable technique. The subdivider shall comply with the zoning area requirements in full before the Department of Public Works may file a Parcel Map with the County Recorder.
- f. The subject property is in the (17) Estate Designation of the General Plan and each parcel shall contain a minimum gross area of 2.0. Parcels 1 and 2 shall contain a minimum gross area of 2.0 acres. If, as a result of survey calculations or for any other reason, the area of any parcel shown on this Tentative Parcel Map is determined by the Department of Public Works to be below the required minimum, it becomes the responsibility of the subdivider to meet area requirements by lot redesign. The subdivider shall comply with the area requirements in full before the Department of Public Works may file a Parcel Map with the County Recorder.
- g. The Basis of Bearings for the Parcel Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control. To be in compliance with the Public Resources Code, all (Parcel) or (Subdivision) Map surveys performed after January 1, 2000 must

use a Basis of Bearings established from existing Horizontal Control Stations with first order accuracy.

- h. Prior to January 1, 2000, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of Third order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of Ground-to-Grid distances shall be shown on the map, all to the satisfaction of the County of San Diego, Director of Public Works (Refer to San Diego County Subdivision Ordinance Section 81.811 and 81.506(j)).

After December 31, 1999, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California Coordinate values of first order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as Ground distances. A combined factor for conversion of Grid-to-Ground distances shall be shown on the map. For purposes of this section, the date of survey for the field observed connections shall be the date of survey as indicated in the surveyor's / engineer's certificate as shown on the final map.

- i. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9926 and Appendix A) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than one (1) acre require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Department of Public Works.

- j. Low Impact Development (LID) requirements apply to all priority projects, starting March 24, 2008. These requirements are found on page 19 (Section D.1.d. (4) a & b) of the Municipal Storm water Permit:
<http://www.swrcb.ca.gov/rwqcb9/programs/stormwater/sd%20permit/r9-2007-0001/Final%20Order%20R9-2007-0001.pdf>

The draft LID Handbook is a great source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. Access the Handbook at the following DPLU web address:
[http://www.sdcounty.ca.gov/dplu/LID PR.html](http://www.sdcounty.ca.gov/dplu/LID_PR.html)

The handbook gives an overview of LID. Section 2.2 reviews County DPW planning strategies as they relate to requirements from the Municipal Permit. The Fact Sheets in the Appendix may be the most useful for information on all of the engineered techniques. Additional information can be found in the extensive Literature Index. A LID presentation is to be posted on the Project Clean Water Website. For more information contact Christine Sloan, DPW-Watershed Protection Division, work: [\[Christine.Sloan@sdcounty.ca.gov\]](mailto:Christine.Sloan@sdcounty.ca.gov)

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

Richard Grunow, Planning Manager
Project Planning Division